

PLANNING AND ZONING BOARD

APRIL 9, 2003

1. ROLL CALL

The meeting was called to order at 7:04 p.m. Board members present were Chair George Greb, Vice-Chair Mike Bender, Casey Lee, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Development Services Director Mark Kutney, Planner Deborah Ross and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: March 26, 2003

Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve the minutes of March 26, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLAT

3.1 P 10-4-02, Long Lake Ranches Plat Two, Hiatus Road and SW 36 Street (AG)

The petitioner was not present. Ms. Ross read the planning report.

Vice-Chair Bender inquired as to the number of houses proposed. Ms. Ross indicated that there was to be 108 houses and she would make corrections to the report where it showed otherwise. Chair Greb and Ms. Lee questioned why a recreational path had not been indicated on the plat. Ms. Ross stated that she would research why it had been omitted.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to table to April 23, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. PUBLIC HEARINGS

Rezoning

4.1 ZB 3-1-03, Town of Davie/Gilbert, 14501 Orange Drive (from A-1 to SC)

Attorney Michael Burke provided background information on the litigation in which he was representing the Town regarding the Town Council's prior denial of the property owner's application to rezone this property and the adjacent property to the B-3 District. He clarified that staff had analyzed the various commercial districts consistent with the Comprehensive Plan to determine the best option for zoning use of the subject property.

Ms. Ross read the planning report. Mr. Kutney provided a detailed analysis of the report and indicated the reasons why "Suburban Commercial" would be the most suitable use for this parcel and "B-2" for the other parcel.

Upon Mr. Waitkus' inquiry as to any ongoing litigation in this matter, Mr. Burke responded affirmatively and explained the situation. Mr. Kutney made clear how through annexations or carrying over old zoning criteria, there were over 11,000 parcels which had inappropriate zoning categories, and this administrative rezoning process was an attempt to make corrections which specifically addressed the "high profile issues" first. Mr. Burke indicated that State law required that the Town adopt land development regulations that were consistent with the Comprehensive Plan. Vice-Chair Bender referenced his historical recollections of these parcels and indicated that this rezoning category was one that neighbors would accept. Board members expressed concerns that this action may lead to further litigation. Mr. Burke acknowledged that it may; however, the obligation of the Board was to implement land development regulations most appropriate for the property and consistent with the Comprehensive Plan.

PLANNING AND ZONING BOARD
APRIL 9, 2003

Chair Greb asked that Mr. Kutney clarify the distinctions between "SC" and "B-2" and to justify why the parcels should be different rather than the same category. Mr. Kutney explained that although the two were similar, the less intensive was "SC" and considered it more transitional and was the closest to the residential area; however, the more intense "B-2" was further west, closer to I-75, and considered appropriate for that parcel. He listed the twenty uses which were not allowed in "SC." Chair Greb noted some of the uses which may be a problem in "B-2" because of the parcel's close proximity to a school. He indicated that he believed the "SC" designation would be appropriate for both parcels. Vice-Chair Bender agreed and indicated that Riverstone would be developed adjacent to "B-2".

Chair Greb asked if anyone wished to speak for or against this item.

Dennis Mele and Bill Spencer, representing the property owner, were present. Mr. Mele spoke of the reasons why he believed this request should be denied. He listed and addressed the procedural issues pertaining to these applications which he contended were defective. Mr. Mele concluded with the suggestion that if the Board chose not to deny this request, that it be tabled in order to see if Broward County would purchase the property thereby avoiding further litigation and to allow the current litigation to run its course.

As there were no other speakers, Chair Greb closed the public hearing.

Mr. Burke responded to Mr. Mele's comments. Based on the points that Mr. Mele brought up, Ms. Turin asked if any action taken by this Board would be determined to be void. Messrs. Kiar and Burke opined that the Town was authorized to rezone the property.

Chair Greb asked if the Board was in favor of reopening the public hearing. Vice-Chair Bender so moved, seconded by Ms. Turin. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Mele argued the issue that this application should not be considered for rezoning for one year based on what he read from the Code. He argued other points and emphasized that the ordinance regarding this item needed to be available for the public's review as indicated in the advertisement in the Sun-Sentinel newspaper. This issue was to be researched by staff.

Mr. Spencer apprised the Board of the activities to negotiate a sale of the property to the County. He also suggested that the Board consider tabling this matter for 30 to 60 days as the sale to the County would eliminate many of these issues.

As there were no other speakers, Chair Greb closed the public hearing.

In the discussion which ensued, each of the Board members vocalized their concerns.

Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Bender - no; Ms. Lee - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-1)**

4.2 ZB 3-2-03, Town of Davie/Gilbert, 14901 Orange Drive (from A-1 to B-2)

Both Mr. Kutney, representing the petitioner and Mr. Mele, representing the property owner, agreed to stipulate that what was said about the previous item would apply to this item. Ms. Ross read the last paragraph of the planning report.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

PLANNING AND ZONING BOARD

APRIL 9, 2003

Mr. Waitkus made a motion, seconded by Ms. Turin, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

Vacations/Abandonments

4.3 VA 8-1-02, Grand Oaks Estates, LLC., 3500 SW 130 Avenue

Jay Evans, representing the owner, was present. Ms. Ross read the planning report.

Mr. Evans indicated that the reason for the request was strictly a liability issue. A brief discussion ensued.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. Waitkus made a motion, seconded by Vice-Chair Bender, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

4.4 VA 12-1-02, Town of Davie, 7525 NW 33 Street

Ms. Ross represented the petitioner and read the planning report.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Lee made a motion, seconded by Mr. Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

4.5 VA 1-2-03, Rolling Hills International Country Club, LTD/Space Development, LTD, 3550 Rolling Hills Circle

Howard Jablon, representing the petitioner, was present. Ms. Ross read the planning report.

Mr. Jablon explained the intention of the request and assured that the vacated easements were in compliance with the site plan and were to be used as utility easements.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Bender made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

5. OLD BUSINESS

Mr. Kiar asked Andre Park, from the Town Attorney's Office to advise the Board on the question it had about increasing the 500-foot radius for mail-out notices to an area of 1,000 feet. Mr. Park advised that the Town had the authority to increase the area. Ms. Ross advised that staff had been directed to pursue this Code change and the Board offered some suggestions.

6. NEW BUSINESS

Ms. Turin suggested that the Town reexamine Code Section 306 to see if some “housekeeping” procedures were needed for processing applications.

PLANNING AND ZONING BOARD

APRIL 9, 2003

Ms. Lee advised that the Joint Economic Development Steering Committee had suspended from its monthly meetings and proposed that there be an annual meeting of all the advisory boards instead.

Mr. Waitkus suggested that a list of permitted uses be included in the packets for Board members to review and study for the proposed rezonings being considered at that meeting.

7. COMMENTS AND/OR SUGGESTIONS

Vice-Chair Bender expressed his disappointment in the outcome of the two rezoning requests reviewed earlier. He believed it was a missed opportunity to resolve an issue of long standing and which would satisfy residents of Imagination Farms. Vice-Chair Bender indicated that the Town "did not do its homework" in this situation and that expensive litigation would continue.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:36 p.m.

Date Approved _____

Chair/Board Member